
From: Deihl, Colin C.
Sent: Monday, April 13, 2009 6:03 PM
To: 'Xidis, Claire'
Cc: Moll, Ingrid; Louis Bullock; Richard Garren; Daniel.Lennington@oag.ok.gov; David Riggs; Trevor.Hammons@oag.ok.gov; Kelly.Burch@oag.ok.gov; Bob Blakemore; Bob Nance; Ward, Liza; Baker, Fred; Jorgensen, Jay T.; robert.george@tyson.com; Michael.Bond@KutakRock.com; Scott McDaniel; Nicole Longwell; Philip Hixon; jgraves@bassettlawfirm.com; Woody Bassett; Sanders; Griffin, Jennifer; jelrod@cwlaw.com; vbronson@cwlaw.com; thill@rhodesokla.com; jtucker@rhodesokla.com; Gary Barber; Mark_Quayle@cargill.com; Herber, Daniel J.; Jones, Bruce; Kleibacker Lee, Krisann C.; Sperrazza, Quynh C.; Herber, Daniel J.
Subject: RE: Depositions this week

Claire,

Thank you for your prompt response on scheduling these depositions.

We can make the schedule you propose work so please hold these dates for these deponents. We will issue notices of deposition as soon as possible. As you requested, I will re-visit your disclosures with respect to Morey and let you know whether or not we think we still need to depose him. I will also check with our experts and let you know their availability for the week of May 11th.

Sincerely,

Colin Deihl

From: Xidis, Claire [mailto:cxidis@motleyrice.com]
Sent: Monday, April 13, 2009 4:24 PM
To: Deihl, Colin C.
Cc: Moll, Ingrid; Louis Bullock; Richard Garren; Daniel.Lennington@oag.ok.gov; David Riggs; Trevor.Hammons@oag.ok.gov; Kelly.Burch@oag.ok.gov; Bob Blakemore; Bob Nance; Ward, Liza; Baker, Fred; Jorgensen, Jay T.; robert.george@tyson.com; Michael.Bond@KutakRock.com; Scott McDaniel; Nicole Longwell; Philip Hixon; jgraves@bassettlawfirm.com; Woody Bassett; Sanders; Griffin, Jennifer; jelrod@cwlaw.com; vbronson@cwlaw.com; thill@rhodesokla.com; jtucker@rhodesokla.com; Gary Barber; Mark_Quayle@cargill.com; Herber, Daniel J.; Jones, Bruce; Kleibacker Lee, Krisann C.; Sperrazza, Quynh C.; Deihl, Colin C.; Herber, Daniel J.
Subject: RE: Depositions this week

Colin -

The Court ordered that these depositions be completed by May 1, Cargill requested a May 1 deadline, Cargill represented to the Court last week that it would get these depositions done before May 1, and the State can make these witnesses available prior to May 1.

The Stratus authors can be available as follows:

Kanninen - April 28
Morey - April 29
Bishop - April 30
Krosnick - May 1

For Dr. Hanemann, who prior to May 1st is only available on the two weekend days I proposed earlier (which conflict with your Boston engagement), the State is willing to accommodate your request and Dr. Hanemann can be available for deposition May 5th subject to the Court's approval, which Defendants would need to obtain. If Defendants file a motion to extend the deadline

for the limited purpose of Dr. Hanemann's deposition, the State will not oppose that request. It would work better for Dr. Hanemann's travel schedule to do this deposition in Denver (rather than in Tulsa) on May 5th, so we are willing to conduct the deposition in Denver on that date if that is something you would be interested in doing since that is where you are located.

However, we cannot agree to the other four experts being deposed beyond the May 1 date because they all have availability during work days prior to this new Court-imposed deadline. Also, do you really need to take Morey in light of Friday's disclosure? Cargill was pushing to have us try to narrow the list of testifying experts so that you all could eliminate some of the seven depositions, and we tried to do that, but now you still want the deposition?

Dr. Hanemann and Dr. Kanninen are no longer available on Wednesday and Thursday of this week only because Cargill requested at the April 7 hearing that the Court vacate such depositions (despite the State's urging that they proceed this week), and the Court granted Cargill's request.

Finally, please provide dates for the depositions of Defendants' damages experts the week of May 11.

Thank you,

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From: Deihl, Colin C. [<mailto:CDeihl@faegre.com>]
Sent: Monday, April 13, 2009 5:03 PM
To: Xidis, Claire
Cc: Moll, Ingrid
Subject: RE: Depositions this week

Dear Claire,

Your recent disclosures stated that each Stratus witness has knowledge about certain portions of the Stratus report. In light of that disclosure, we find it necessary to take the depositions of each of the remaining Stratus authors. We would like to take each of the following witnesses on one of the following dates. These are dates when we currently have availability and we would need one day per witness:

Morey, Hanemann or Kanninen -- April 28, May 4, May 8, May 12- 15

Bishop or Krosnik -- April 15, 16, May 4-8, May 11-15

We do not have availability on the other dates due to my schedule and those of our expert witnesses. Please check with your witnesses and let me know their availability as soon as possible so that we can get these depositions scheduled.

I am assuming, based on your email this morning, that both Drs Hanemann and Kanninen are no longer available for their previously scheduled deposition this coming Wednesday and Thursday, April 15 and 16 so I have not included those dates in the list above.

Thank you for your prompt attention to this matter.

Regards,

Colin Deihl

From: Xidis, Claire [mailto:cxidis@motleyrice.com]
Sent: Monday, April 13, 2009 8:21 AM
To: Deihl, Colin C.
Cc: Moll, Ingrid
Subject: RE: Depositions this week

Hi Colin-

Last Tuesday at the hearing we suggested moving forward with these depositions as scheduled this week, but the Cargill Defendants insisted on having these deposition dates vacated, and the Court did so. Thus, we informed Drs. Hanemann and Kanninen that they did not need to be in Tulsa this Wednesday and Thursday. We can make Dr. Hanemann available on April 18 or April 19. These are the last two days he has available prior to May 1st.

Please let us know which other Stratus authors the Defendants want to depose so we can look into their availability.

Thank you,

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From: Deihl, Colin C. [mailto:CDeihl@faegre.com]
Sent: Sunday, April 12, 2009 9:51 AM
To: Xidis, Claire
Subject: Depositions this week

Claire,

In light of your disclosures, we believe it will be necessary to take the depositions of Hanneman and Kanninen this Wednesday and Thursday as scheduled. Please confirm that those depositions will proceed as scheduled. Thank you.

Regards,

Colin Deihl

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